

REMARKS

Claims 1 through 4 and 8 remain in the case after this amendment.

Applicant notes the objection to the drawings citing the reference character as having been used to designate both the bait and the barbed hook. Responsive thereto, applicant in a review of the drawings determined that an amendment to the Specification, changing the reference character identifying the "hook 21" to "hook 22" would correct the drawings. Accordingly, applicant has here amended the Specification to properly identify the hook as being "hook 22" as shown in the drawings.

Additionally, applicant has here amended the Specification to better set out the distance relationships of the port to the bow, stern and slot formed into the stern of the wingcase wobbler that are critical to a proper functioning as shown in Fig. 4 of the wingcase wobbler of the invention. Which changes are supported by a reasonable interpretation of the original drawings, specification and claims.

Applicant notes the rejections, citing 35 USC 112 for a failure to distinctly and particularly point out the subject matter application regards as his injection in Claims 1 and 3 and has, he believes, with the amendments here made to these claims provided a proper antecedent basis, correcting the cited rejections.

Additionally, applicant notes the Claim Objections citing a failure to properly include a recitation to the "wingcase wobbler" in the preamble. Which failure applicant believes he has corrected by the amendments to the claims made herein.

Applicant the rejection of Claims 1, 3 and 4 under 35 USC 102(b) citing Eaby (2214409) and

the rejection of Claim 2 under 35 USC 103 also citing Eaby (2214409). Responsive thereto, submits that Eaby, like the example of Prior Art set out in Fig. 1 of the drawings of present application provides, as shown in Eaby Figs. 1 through 9, for mounting an eyelet 12 that a fishing line attaches to, to a hole 11 in the lure bow end, and the port 14 is merely an attachment point for mounting a hook end 15. The body 10 of the Eaby patent is therefor clearly not removable, is not and cannot function like a “wingcase wobbler” and the entire assembly constitutes a lure. This is not in any way like the removable wingcase wobbler of the invention that is removable from a separate hook and hook body, and with the hook eyelet fitted through the invention port, the lure, when pulled through the water at the eyelet end, will make a back and forth movement across the eyelet, illustrated in Fig. 4, mimicking the motion a swimming minnow makes. Applicant, in addition to correcting the cited claim deficiencies, has further amended Claim 1 for clarity and to point up the distinctions of the invention over the Eaby and the other cited patents. Specifically, Claim 1 now calls for the fitting of the hook eyelet end through the port as shown clearly in the drawings. Also, applicant has more clearly set out the relationship of the distance relationship of the “wingcase wobbler” port to the bow and stern and to the end, and the end of the slot formed in the stern, where the stern to port distance or stern slot end distance to the port is at least one hundred per center greater, or more, than the distance of the port to the bow end. In contrast, the Eaby patent, particularly Figs. 1, 4, 5 and 9, clearly shows that the port 14 is centered between the hole 11 in the bow and the end of a slot or notch 12 formed in the stern end. Accordingly, even if the eyelet 18 was fitted to the notch 14, which it is not, the Eaby lure bow and stern ends would displace or pivot back and forth equal distances around the notch 14. Which motion would most certainly not be the motion caused by the

“wingcase wobbler” of the invention, as shown in Fig. 4.

In addition to the claims amendments made responsive to the 35 USC 112 objections and the claim language objections, as set out above, applicant have, to clearly set out and distinguish his invention from the Eaby patent, amended Claim 1 to include limitations of Claims 2 and 3 therein, have added language to show that the hook eyelet mounting of the invention is through the port, and have allowed for the length of the slot in the “wingcase wobbler” stern in set out the distance relationship from the port to the bow and stern ends, respectively. Which relationship is shown in the drawings and referred to in the original Specification and has been added, by this amendment, to the Specification. With these changes applicant believes that the claims remaining in the case after the Restriction Requirement, particularly Claims 1, and the claimed dependent thereon, Claims 2 through 4 and 8, should now be in proper condition for allowance and respectfully requests same.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Reid Russell", written in a cursive style.

M. Reid Russell

MRR/rr

Docket No. 7658

Date: January 20, 2005